

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHEVRON CORPORATION, :
: :
Plaintiff, : 11 Civ. 0691 (LAK)
v. :
: :
STEVEN DONZIGER, et al., :
: :
Defendants. :
: :
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**DECLARATION OF RANDY M. MASTRO IN SUPPORT OF CHEVRON
CORPORATION'S SUPPLEMENTAL BRIEF IN RESPONSE TO PATTON BOGGS'S
OBJECTIONS TO SUBPOENA**

I, RANDY M. MASTRO, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and before this Court. I am a partner in the law firm of Gibson, Dunn & Crutcher, LLP, counsel of record for plaintiff Chevron Corporation ("Chevron") in the above-captioned matter. I make this declaration in support of Chevron's Supplemental Brief in Response to Patton Boggs's Objections to Subpoena.

2. Attached hereto as Exhibit 3000 are excerpts of a true and correct transcript of a September 27th, 2012 hearing in *Chevron Corp. v. Donziger*, No. 11-cv-00691-LAK (S.D.N.Y.).

3. Attached hereto as Exhibit 3001 is a true and correct copy of a November 24, 2010 email from E. Westenberger to S. Donziger with the subject "Privileged confidential and because we're friends in addition to being colleagues" produced by S. Donziger and bearing the bates number DONZS00015861.

4. Attached hereto as Exhibit 3002 is a true and correct copy of the Expert Report of Dr. Gustavo Romero Ponce, dated November 22, 2012, and a certified English translation thereof.

5. Attached hereto as Exhibit 3003 is a true and correct copy of the Declaration of Michael Green, dated December 12, 2012.

6. Attached hereto as Exhibit 3004 is a true and correct copy of the Affidavit of Samuel Hernandez, Jr. (“Morningside Aff.”), dated December 12, 2012, and supporting exhibits thereto.

7. Attached hereto as Exhibit 3005 is a true and correct copy of the Report of Robert A. Leonard, Ph.D., dated December 10, 2012, and supporting exhibits thereto.

8. Attached hereto as Exhibit 3006 is a true and correct copy of Stylometric Report on DONZ00025295/6 by Patrick Juola, Ph.D., dated December 8, 2012.

9. Attached hereto as Exhibit 3007 is a true and correct copy of a March 6, 2010 email chain among A. Page, S. Donziger, and others with the subject “Fwd: **PRIVILEGED & CONFIDENTIAL** revised alegato outline” produced by S. Donziger and bearing the bates number DONZ00054630 and an attachment thereto bearing the bates number DONZ00054631.

10. Attached hereto as Exhibit 3008 is a true and correct copy of an April 27, 2010 email from I. Maazel to L. Garr and E. Westenberger with the subject “RE: Latest Outline of ‘Alegato’ – Final Argument in Ecuador trial” recovered from S. Donziger’s hard drive and bearing the bates number WOODS-HDD-0147576.

11. Attached hereto as Exhibit 3009 is a true and correct copy of a November 11, 2010 email from S. Donziger to E. Westenberger and A. Small with the subject “this is latest

draft of alegato" produced by S. Donziger and bearing the bates number DONZS00016189, and an attachment thereto bearing the bates number DONZS00016190.

12. Attached hereto as Exhibit 3010 is a true and correct copy of the Declaration of Michael F. McGowan, dated December 11, 2012, and supporting exhibits thereto, redacted to avoid disclosure of personal phone numbers.

13. Attached hereto as Exhibit 3011 is a true and correct copy of a document entitled "Summary of Judgment Entered in *Aguinda et al. v. Chevron Corporation*," available at <http://chevrontoxicocom/assets/docs/2011-02-14-summary-of-judgment-Aguinda-v-ChevronTexaco.pdf>.

14. Attached hereto as Exhibit 3012 is a true and correct copy of an excerpt from the transcript of the deposition of Steven Donziger, taken on July 19, 2011 in the matter *In re Application of Chevron Corp.*, No. 10-mc-00002-LAK (S.D.N.Y.).

15. Attached hereto as Exhibit 3013 is a true and correct copy of a chart reflecting the recipients of documents produced in discovery and connected to the ghostwriting of the Lago Agrio judgment, including the Fusion Memo, Draft Alegato, Index Summaries, Trust E-mail, Clapp Report, and Moodie Memo.

16. Attached hereto as Exhibit 3014 is a true and correct copy of the notarized Declaration of Ramiro Fernando Reyes Cisneros with supporting exhibits, dated December 6, 2012, and a certified English translation thereof.

17. Attached hereto as Exhibit 3015 is a true and correct copy of a document entitled "Fraud Findings by U.S. Courts" that reflects findings from several federal court as to the fraud of Defendants and their co-conspirators.

18. Attached hereto as Exhibit 3016 is a true and correct copy of a chart that reflects the text of Chevron's Requests for Production to Patton Boggs, the text of the Requests as modified by order of the Court, and the categories of crime-fraud that apply to each Request.

19. Attached hereto as Exhibit 3017 are excerpts of a true and correct transcript of a September 25th, 2012 hearing in *Chevron Corp. v. Donziger*, No. 11-cv-00691-LAK (S.D.N.Y.).

20. Attached hereto as Exhibit 3018 is a true and correct copy of the Declaration of Gerald R. McMenamin, dated November 11, 2012, and supporting exhibits thereto.

21. Attached hereto as Exhibit 3019 is a true and correct copy of the Complaint filed before the New York State Joint Commission on Public Ethics in *Chevron Corporation v. Thomas P. DiNapoli* (In the Matter of an Investigation into Apparent Misconduct by New York State Comptroller Thomas P. DiNapoli), with hyperlinks to the supporting exhibits. For the convenience of the Court, Chevron includes as separate exhibits those supporting documents specifically referenced in the brief, noting their reference in the DiNapoli Complaint (see Exhibits 3020-28 below).

22. Attached hereto as Exhibit 3020 is a true and correct copy of a January 8, 2009 email from S. Donziger to A. Woods with the subject "issue w checks" recovered from S. Donziger's hard drive and bearing the bates number WOODS-HDD-0353906. This document is Exhibit 2 to the DiNapoli Complaint.

23. Attached hereto as Exhibit 3021 is a true and correct copy of a November 16, 2007 letter from Thomas P. DiNapoli, State Comptroller of the State of New York to Lydia I. Beebe, Corporate Secretary of Chevron Corporation. This document is Exhibit 72 to the DiNapoli Complaint.

24. Attached hereto as Exhibit 3022 is a true and correct copy of a November 14, 2008 email from Elaine Reilly to Maureen Madden with the subject “co-files @ Chevron” produced by the Office of the State Comptroller of the State of New York and bearing the bates number NYSCFOIL002048. This document is Exhibit 73 to the DiNapoli Complaint.

25. Attached hereto as Exhibit 3023 is a true and correct copy of a December 18, 2008 email from Maureen Madden to Patrick Doherty with the subject “Chevron resolution” attaching a copy of a letter from Thomas P. DiNapoli, State Comptroller for the State of New York, to Lydia I. Beebe, Corporate Secretary of Chevron Corporation, produced by the Office of the State Comptroller of the State of New York and bearing the bates range NYSC002008-11. This document is Exhibit 80 to the DiNapoli Complaint.

26. Attached hereto as Exhibit 3024 is a true and correct copy of Notice of the 2009 Annual Meeting and the 2009 Proxy Statement. This document is Exhibit 81 to the DiNapoli Complaint.

27. Attached hereto as Exhibit 3025 is a true and correct copy of a December 8-9, 2010 email chain among Patrick Doherty, Timothy Smith, and Shelley Alpern with the subject “RE: FW: Occidental lawsuit should stay in U.S.: appeals court” produced by the Office of the State Comptroller for the State of New York and bearing the bates range NYSCFOIL001440-46. This document is Exhibit 83 to the DiNapoli Complaint.

28. Attached hereto as Exhibit 3026 is a true and correct copy of Notice of the 2011 Annual Meeting and the 2011 Proxy Statement. This document is Exhibit 84 to the DiNapoli Complaint.

29. Attached hereto as Exhibit 3027 is a true and correct copy of a September 13, 2011 email from Patrick Doherty to Jay Chaudhuri attaching a copy of a November 17, 2008

letter from Thomas P. DiNapoli, State Comptroller for the State of New York, to David O'Reilly, CEO Chevron Corporation, produced by the Office of the State Comptroller for the State of New York and bearing the bates range NYSCFOIL2228-30. This document is Exhibit 78 to the DiNapoli Complaint.

30. Attached hereto as Exhibit 3028 is a true and correct copy of a document entitled "Investor Statement on Chevron and Aguinda v. Texaco," signed by the New York State Office of the Comptroller, and dated May 2011. This document is Exhibit 121 to the DiNapoli Complaint.

31. Attached hereto as Exhibit 3029 is a true and correct copy of a September 19, 2006 email from S. Donziger to M. Mitchell, R. Herrera, and E. Bloom with the subject "Ecuador Experts – Names" produced by S. Donziger and bearing the bates number DONZ00130082.

32. Attached hereto as Exhibit 3030 is a true and correct copy of a March 29, 2007 email from S. Donziger to R. DeLeon with the subject "Update memo" produced by S. Donziger, bearing the bates number DONZ00130990, and attaching a March 28, 2007 letter from S. Donziger and J. Kohn to R. DeLeon bearing the bates range DONZ00130991-92.

33. Attached hereto as Exhibit 3031 is a true and correct copy of a November 18, 2009 email from A. Woods to N. Economou, copying S. Donziger, with the subject "Agreement," produced by S. Donziger, bearing the bates number DONZ00039161, and attaching a document entitled "Investment Agreement for Chevron/Ecuador Project" bearing the bates number DONZ00039162.

34. Attached hereto as Exhibit 3032 is a true and correct copy of a March 5, 2010 email from A. Woods to R. DeLeon and S. Marsden, copying S. Donziger, with the subject

“Agreement signed” recovered from S. Donziger’s hard drive, bearing the bates number WOODS-HDD-0212468, and attaching a document entitled “Investment Agreement for Chevron/Ecuador Project” bearing the bates range WOODS-HDD-0212469-96.

35. Attached hereto as Exhibit 3033 is a true and correct copy of an email chain among L. DeVincenzi, A. Woods, S. Donziger, R. DeLeon, and S. Marsden with the subject “FW: Agreement signed” recovered from S. Donziger’s hard drive, bearing the bates range WOODS-HDD-0231902-04, and attaching a document entitled “Investment Agreement for Chevron/Ecuador Project” bearing the bates range WOODS-HDD-0231905-23.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12th day of December, 2012 at New York, New York.

/s/ Randy Mastro

Randy M. Mastro